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Texas Instruments Incorporated
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edenson et al.

Art Unit: 3621

Serial No.: 09/170,864

Examiner: Elisca, Pierre E.

Filed: 13 October 1998

Docket No. TI-25667

For: **SECURE DISTRIBUTION OF DIGITAL DATA****CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following papers are being transmitted by
facsimile to the U.S. Patent and Trademark Office on the date
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Charles A. BrillAugust 6, 2004
Date**FACSIMILE COVER SHEET**

<input checked="" type="checkbox"/> FACSIMILE COVER SHEET	<input type="checkbox"/> AMENDMENT (Pages)
<input type="checkbox"/> NEW APPLICATION	<input type="checkbox"/> AMENDMENT FEE SHEET (duplicate)
<input type="checkbox"/> DECLARATION (# Pages)	<input type="checkbox"/> NOTICE OF APPEAL
<input type="checkbox"/> ASSIGNMENT (# Pages)	<input type="checkbox"/> APPEAL (# Pages)
<input type="checkbox"/> FORMAL DRAWINGS	<input type="checkbox"/> ISSUE FEE (# Pages)
<input type="checkbox"/> INFORMAL DRAWINGS	<input checked="" type="checkbox"/> PETITION TO WITHDRAW FINALITY (x3)
<input type="checkbox"/> CONTINUATION APP'N (# Pages)	
<input type="checkbox"/> DIVISIONAL APP'N	
NAME OF INVENTOR(S): Edenson et al.	
TITLE OF INVENTION: SECURE DISTRIBUTION OF DIGITAL DATA	
TI FILE NO.: TI-25667	DEPOSIT ACCT. NO.: 20-0668
FAXED: 08/06/2004 DUE: ATTY/SEC'Y: CAB:ss	
RECEIPT DATE & SERIAL NO.: Application No.: 09/170,864 Filing Date: 13 October 1998	

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PO Box 655474, M/S 3999
Dallas, TX 75265

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For: SECURE DISTRIBUTION OF DIGITAL DATA

PETITION TO WITHDRAW FINALITY OF REJECTION
UNDER 37 CFR 1.181

6 August 2004

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450**MAILING CERTIFICATE**

I hereby certify that the above correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia, 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office, on the date shown below.



Charles A. Brill

6 August 2004

Date

Sir:

Applicants petition the Commissioner to withdraw the finality of the rejection mailed 20 February 2004 in the above-referenced application.

Section 706.07(a) of the MPEP states, "a second or any subsequent action on the merits in any application . . . will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement . . . of any claim not amended by applicant or patent owner"

Claims 25-40 were rejected on 21 July 2003 based on U.S. Patent No. 4,593,353 to Pickholtz. A response to that rejection made on 21 January 2004 did not amend any claims. On 20 February 2004 the Examiner rejected Claims 25-40 based on U.S. Patent 4,117,605 to Kurland et al., which had not previously been cited. In the rejection dated 20 February 2004 the Examiner stated, "Applicant's arguments filed on 1/21/2004 have been fully considered but they are moot in view of new ground(s) of rejection."

Thus, as the applicant did not amend the claims or file an information disclosure statement, and the new rejection is admitted to be a new ground of rejection based on newly discovered art found in yet another search by the Examiner, the finality of the rejection is improper and should be withdrawn.

The applicant has requested that the Examiner withdraw the finality of the rejection, but the Examiner has not done so. Therefore the applicant respectfully requests the Commissioner to withdraw the finality of the rejection.

The Commissioner is authorized to charge the deposit account of Texas Instruments Incorporated, Deposit Account No. 20-0668 for any necessary fees, including any necessary extension of time fees. **This form is submitted in triplicate.**

Respectfully submitted,



Charles A. Brill
Registration No. 37,786

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Dallas, Texas 75265
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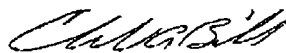
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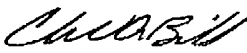
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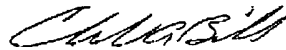
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